

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SAMUEL CURDO	:	CIVIL ACTION
	:	
v.	:	NO. 24-132
	:	
COUNTY OF CHESTER,	:	
PRIMECARE MEDICAL, INC.,	:	
JACLYN CASEY, GABRIELLA	:	
CHECCI, KAREN MURPHY, DR.	:	
MARTIN ZARKOSKI	:	

ORDER

AND NOW, this 16th day of January 2024, upon considering our January 11, 2024 Order (ECF No. 5) granting leave to proceed *in forma pauperis*, our study of the pro se Complaint (ECF No. 2) filed by an incarcerated person, and consistent with today's accompanying Memorandum dismissing the pro se official capacity claims for damages against the individual employees under section 1915, it is **ORDERED**:

1. We **amend** the caption to correct the spelling of the medical provider entity as PrimeCare Medical, Inc.;
2. We **dismiss** claims for damages against individual Defendants Casey, Checci, Murphy, and Zarkoski in their official capacities;
3. All remaining claims shall proceed at this time to service by the U.S. Marshal Service, in accordance with 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3), against all Defendants;
4. The Clerk of Court shall send a copy of this Order to Plaintiff at his Facility address on the docket together with one copy of the U.S. Marshal Service of Process Receipt and Return

Form USM-285 (“USM-285 Form”) for each Defendant listed in paragraph three (3) of this Order¹ and then note the mailing of the Form(s) on the docket;

5. Plaintiff must complete a USM-285 Form for each Defendant in the caption and return the completed form(s) to the Clerk’s Office no later than **February 6, 2024** to move forward with service by the U.S. Marshal Service;

6. Service cannot be made by the U.S. Marshal Service until Plaintiff completes and timely returns these USM-285 Forms requiring Plaintiff shall:

a. Complete a separate USM-285 Form for each Defendant identified in the caption with only one Defendant’s name on each USM-285 Form and do not complete a form for persons not listed in the caption;

b. Include as much identifying information as possible for each Defendant, including the Defendant’s first and last name and complete address at a location where the Defendant can be served. The U.S. Marshals Service cannot serve a Defendant at a P.O. Box address. It is Plaintiff’s responsibility, and not the duty of the Court, the Clerk’s Office, or the Marshals Service, to ascertain the Defendants’ addresses;²

c. Failure to identify each Defendant and include a proper address may result in the Defendant not being served and/or the dismissal of claims against a Defendant.

¹ This form is available online at https://www.usmarshals.gov/sites/default/files/media/document/usm-285_process-receipt.pdf.

² See, e.g., *Meade v. Reynolds*, 810 F. App’x 86, 88 (3d Cir. 2020) (*per curiam*) (“[T]he plaintiff must provide the district court with sufficient information to enable the Marshals Service to effectuate service of process”) (citing *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993)); *Harris v. McMullen*, 609 F. App’x 704, 707 (3d Cir. 2015) (*per curiam*) (“Harris has not pointed to any authority instructing that a District Court or the USMS must engage in extraordinary measures to assist an [*in forma pauperis*] litigant in locating a defendant’s address for the purpose of service of process, and we are not aware of any.”).

7. Failure to return the completed USM-285 Form(s) under the above instructions may result in dismissal of this case for failure to prosecute without further notice from the Court;

8. The Clerk of Court is **DIRECTED** to docket USM-285 Forms returned in this case; and,

9. The Clerk of Court shall not to issue summonses at this time. We will direct issuance of summonses upon receipt of properly completed USM-285 Forms.

KEARNEY, J.